THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21074 of 2005

Dated: 27.09.2005

Between:

TCS Jammiched, Gadwal Mandal,

Mahabubnagar District,
represented by its President, G. Ram Goud.

..... PETITIONER

AND

The Prohibition and Excise, Superintendent,

Mahabubnagar District, at Mahabubnagar.

.....RESPONDENT

ORDER:

This writ petition is filed challenging the proceedings of the respondent, dated 14.07.2005, whereunder, the licence granted to the petitioner was suspended on the ground that the toddy found in the shop of the petitioner was adulterated with chloral hydrate.

Learned counsel for the petitioner contended that though it is stated in the impugned proceedings that the suspension of licence of the petitioner is pending enquiry, no enquiry as such has been conducted in pursuance of the impugned proceedings dated 14.07.2005.

On the other hand, learned Government Pleader for Prohibition and Excise

contended that the licence of the petitioner, which was suspended, is only a temporary licence and as the petitioner has violated the conditions of licence, the petitioner cannot challenge the impugned proceedings.

As seen from the impugned proceedings, during inspection by the Excise Officials, the toddy in the shop of the petitioner was found to be mixed with chloral hydrate and therefore, as the petitioner has violated the conditions of licence and as a precautionary and temporary measure to prevent the supply and sale of adulterated toddy, the licence of the petitioner was suspended pending enquiry and criminal action. But, the suspension is not the cancellation of the licence of the petitioner.

Since the samples have been drawn from the toddy shop of the petitioner in the month of July, 2005, which has been sent to the chemical examiner for his report, I deem it appropriate to dispose of the writ petition directing the respondent to complete the enquiry within a period of three weeks from the date of receipt of the report from the chemical examiner, after affording reasonable opportunity to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

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27.09.2005

Note: Furnish C.C. in two days.

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